

# HOUSE BILL No. 1450

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-5-2-9; IC 34-30-2-84.3.

**Synopsis:** Record of teachers charged with child molesting who resign. Requires each school corporation and the department of education to create and maintain a record that includes the names of teachers who resign to avoid termination for child molesting.

**Effective:** July 1, 2005.

**Duncan**

January 18, 2005, read first time and referred to Committee on Education.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1450

A BILL FOR AN ACT to amend the Indiana Code concerning education.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-5-2-9 IS ADDED TO THE INDIANA CODE  
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY  
3 1, 2005]: **Sec. 9. (a) As used in this section, "child molesting" means**  
4 **an act described in IC 35-42-4-3(a) or IC 35-42-4-3(b), regardless**  
5 **of whether any person involved in the act is convicted of an offense**  
6 **under IC 35-42-4-3.**

7 (b) Each school corporation shall create and maintain a record  
8 that includes the names of teachers who were employed by the  
9 school corporation and resigned to avoid discharge from  
10 employment for child molesting after being confronted with child  
11 molestation charges by the school corporation. Twice each year, a  
12 school corporation shall submit to the department of education the  
13 contents of the record maintained under this subsection. Except as  
14 otherwise provided in this section, information included in the  
15 record is confidential.

16 (c) The department of education shall create and maintain a  
17 central data storage, retrieval, and information distribution system

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1 that includes records created under subsection (b) from all school  
2 corporations in Indiana. Information maintained by the  
3 department in the system created under this subsection shall be  
4 made available to all schools in Indiana upon request. Except as  
5 otherwise provided in this section, information in the system  
6 created and maintained under this subsection is confidential.

7 (d) A person who, within the scope of the person's employment,  
8 submits a name as required under this section is immune from civil  
9 liability for the submission and the consequences proximately  
10 caused by the submission unless it is proven by a preponderance of  
11 the evidence that the information submitted was known by the  
12 submitter to be false at the time the information was submitted.

13 SECTION 2. IC 34-30-2-84.3 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2005]: **Sec. 84.3. IC 20-5-2-9 (Concerning a**  
16 **person who submits a name of a teacher who resigned to avoid**  
17 **discharge for child molesting).**

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